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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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MARCUS ANTHONY HAMILTON, §  
§  
Plaintiff, §  
§  
versus § CIVIL ACTION NO. 1:24-CV-175  
§  
BEAUMONT POLICE DEP'T, *et al.*, §  
§  
Defendants. §

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Marcus Anthony Hamilton, a prisoner currently confined at the Terrell Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Beaumont Police Department, the Jefferson County Sheriff's Department, and the State of Texas.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) for failure to state a claim. The magistrate judge also recommends that the dismissal should be without prejudice to Plaintiff's ability to file a lawsuit if his 2002 conviction is later overturned or declared invalid.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

Plaintiff alleges that his claims are cognizable under the False Claims Act. The False Claims Act concerns claims made to someone who will use government money or property to pay the claim. *United States v. Southland Mgmt. Corp.*, 326 F.3d 669, 674 (5th Cir. 2003). It does not apply to investigative documents or statements made in state criminal proceedings.

Because Plaintiff's constitutional claims call into question his 2002 criminal conviction, he is barred from seeking monetary relief until his conviction has been overturned or declared invalid. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Any claims that are not barred by *Heck* are barred by the applicable two-year statute of limitations. *Brown v. Nationsbank Corp.*, 188 F.3d 579, 590 (5th Cir. 1999) (noting that, in a civil rights action, federal courts borrow the forum state's general personal injury limitations period, which is two years in Texas).

## **ORDER**

Accordingly, Plaintiff's objections (#17) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the

magistrate judge (#16) is **ADOPTED**. A final judgment will be entered in accordance with this order.

SIGNED at Beaumont, Texas, this 25th day of June, 2025.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE